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**Attorneys for Defendants Waller's Trucking Company,
Inc. and Jason R. Buck**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

PAVLO SHOSTAK AND LYUDMYLA)	
SHOSTAK,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 19-CV-29-S
)	
WALLER'S TRUCKING COMPANY,)	
INC., a Wyoming Corporation, KILGORE)	
COMPANIES, a Delaware Limited Liability)	
Company d/b/a Lewis & Lewis, Inc.,)	
and JASON R. BUCK, Individually,)	
)	
Defendants.)	
)	

**DEFENDANTS WALLER'S TRUCKING COMPANY INC. AND JASON R. BUCK'S
EXPERT WITNESS DESIGNATION**

COME NOW Defendants Waller's Truck Company Inc. and Jason R. Buck, by and through their attorneys, Stephenson D. Emery and David R. Shields of the law firm of Williams, Porter, Day & Neville, PC, and pursuant to the Court's *Order on Initial Pretrial Conference* [ECF No. 28] and *Order Granting Stipulated Motion to Amend Scheduling Order* [ECF No. 33], and

hereby designate the following experts to testify at the trial of this matter. Their testimony may be offered live or by way of videotaped trial testimony.

The following applies to all designated expert witnesses:

1. All opinions of expert witnesses set forth herein are stated to the required degree of probability pursuant to applicable law in the witness's field of expertise.
2. All material and information relied upon by expert witnesses in forming opinions are of the type ordinarily and reasonably relied upon by experts in that field and are expressed to a reasonable degree of probability.
3. The content of depositions of each witness, if a deposition is taken, are incorporated in this expert witness designation for each witness.
4. This designation is intended to supplement any and all interrogatories and requests for production of documents propounded by Plaintiffs pertaining to expert witnesses.
5. All experts listed may criticize, comment upon or rebut the deposition or trial testimony, reports, written materials or any raw data or testing materials produced or compiled in this case by the experts designated by any of the Plaintiffs. Defendants Waller's Trucking Company, Inc. and Jason R. Buck reserve the right to provide, if applicable and necessary:
 - A. Demonstrative exhibits and animations, when available, reserving the right modify, amend and/or withdraw demonstrative images, exhibits, and/or visualizations.
 - B. Rebuttal experts per Rule 26(a)(2)(D)(ii).

Defendants Waller's Trucking Company, Inc. and Jason R. Buck reserve the right to call any expert designated by the Plaintiffs in this case, be they retained, unretained or withdrawn and

reserve the right to use part or all of the deposition testimony of any expert in Defendants Waller's Trucking Company, Inc. and Jason R. Buck's case in chief or in rebuttal.

Defendants Waller's Trucking Company, Inc. and Jason R. Buck reserve the right to call any expert necessary for rebuttal purposes.

In that discovery is ongoing, Defendants Waller's Trucking Company, Inc. and Jason R. Buck reserve the right to supplement this designation with additional opinions that may be generated as additional information and evidence may become known to them. Supplementation may be in the form of deposition, electronic or written reporting, filings and/or exhibit supplementation.

RETAINED EXPERT WITNESSES

Defendants Waller's Trucking Company, Inc. and Jason R. Buck have retained the following expert witnesses to testify in this case:

Sarah S. Sharpe, PhD
Biomechanics Manager
Exponent
23445 North 19th Avenue
Phoenix AZ 85027
623-587-4190

Dr. Sharpe is an expert in the field of biomechanics, including human movement and coordination, occupant kinematics, injury mechanics, injury causation, and injury tolerance. She holds a Ph.D. in Bioengineering from the Georgia Institute of Technology and a Bachelor of Science in Mechanical Engineering from the University of Central Florida. During her graduate studies, Dr. Sharpe completed a National Science Foundation Integrative Graduate Education and Research Traineeship (IGERT) in Neuroengineering. Dr. Sharpe is a member of the Society of Automotive Engineers (SAE), American Society of Biomechanics (ASB), and Biomedical Engineering Society (BMES). Dr. Sharpe holds a certification from Northwestern University

Center for Public Safety in Traffic Crash Reconstruction, and is a certified XL Tribometrist (CXLT).

Dr. Sharpe is currently employed as a Manager in Exponent's Biomechanics practice. She has worked at Exponent's Test and Engineering Center in Phoenix, Arizona for more than 5 years where she has conducted and participated in numerous full-scale crash tests, automotive sled tests, and component-level tests using anthropomorphic test devices (ATDs or "crash test dummies") to measure and quantify occupant kinematics and loading in many different types and severities of automotive crashes. She has studied human motion, loading, and injury potential through the analysis and interpretation of crash-test responses of ATDs and through computational models of the human body. Dr. Sharpe has co-authored 10 peer-reviewed publications and presented multiple conference abstracts in the field of biomechanics.

Dr. Sharpe has been retained to perform a biomechanical analysis of the June 28, 2017 accident. Dr. Sharpe will testify regarding her education, experience, employment and training that qualify her to render expert opinions in this case. She will offer opinions regarding occupant kinematics; human positioning and geometric analyses; injury mechanics; injury potential, occupant retention, and plaintiffs' use and non-use of the restraint systems. All of Dr. Sharpe's opinions will be rendered to a reasonable degree of scientific probability and are based on her education, training, experience, and knowledge gained over her career. Dr. Sharpe will testify consistent with her report attached hereto and incorporated here at "**Exhibit A.**" The material Dr. Sharpe relied on in reaching her opinions is listed in her report attached hereto and incorporated herein by reference at "**Exhibit A-1.**"

Dr. Sharpe's *Curriculum Vitae* is attached hereto and incorporated herein as "**Exhibit A-2.**" A list of Dr. Sharpe's publications is included with her *Curriculum Vitae*. Dr. Sharpe's

(Exponent) fee schedule is attached hereto and incorporated herein as “**Exhibit A-3.**” Dr. Sharpe has not testified in the last four (4) years.

David Danaher
Principal Engineer
Kineticorp Colorado
6070 Greenwood Plaza Blvd., Suite 200
Greenwood Village, CO 80111
303-733-1888

David Danaher, P.E. is currently Principal Engineer with Kineticorp and has been so since 2014. His areas of expertise include, but are not limited to extensive accident investigations. He has investigated and analyzed hundreds of vehicular accidents, applying his knowledge of vehicle dynamics, simulation, crush energy, momentum, and driver response to accident reconstruction. His vast experience includes tractor-trailer accidents.

Mr. Danaher obtained his B.S. in Mechanical Engineering, Vehicle Design Specialty from the University of Colorado in Denver Colorado in 1998. He is a Registered Professional Engineer in the states of Colorado, Wyoming, Nevada and Texas. He is Board Certified in Forensic Engineering by the National Academy of Forensic Engineers (NAFE). Mr. Danaher is an Accredited Traffic Accident Reconstructionist (ACTAR) and is registered with the National Council of Examiners for Engineers and Surveying Record Holder (NCESS).

Mr. Danaher has been retained to perform an accident reconstruction analysis of the accident that took place on June 28, 2017. He will testify regarding his education, experience, employment and training that qualify him to render expert opinions in this case. He will offer opinions including, but not limited to, the impact dynamics of the accident which includes speeds of the vehicles at impact, the change in velocity, and principal direction of force. Mr. Danaher will also provide a dimensionally accurate model of the exemplar 2016 Freightliner Cascadia, including the interior and sleeper berth with netting. Mr. Danaher will testify consistent with his

report which is attached hereto and incorporated herein by reference at **“Exhibit B”** and with his deposition, if taken.

Attached hereto and incorporated herein at **“Exhibit B-1”** is a listing of materials reviewed by Mr. Danaher.

Mr. Danaher’s *Resume* is attached hereto and incorporated herein at **“Exhibit B-2.”** Contained within it is his listing of Publications, Training, Technical Conferences and Seminars and Invited Lectures.

Mr. Danaher’s Fee Schedule is attached hereto and incorporated herein at **“Exhibit B-3.”**

A list of all cases in which Mr. Danaher has testified in the last four years is attached at **“Exhibit B-4.”**

The following experts will perform examinations on Plaintiff Lyudmyla Shostak on or before February 3, 2020, as set forth in the Court’s *Order on Initial Pre-Trial Conference* [ECF No. 28]. Full designations, including reports and associated materials required by Fed.R.Civ.P. 26(a)(2) will be provided on or before February 13, 2020. The witnesses will be made available for deposition, at Plaintiffs’ expense, up to and including March 9, 2020, as set forth in the Court’s *Order on Initial Pre-Trial Conference* [ECF No. 28].

Adam Smith, M.D.
Rocky Mountain Brain and Spine Institute
9218 Kimmer Drive, Suite 107
Lone Tree, Colorado 80124

Dr. Suzanne Kenneally
Office of Dr. Suzanne Kenneally
6901 South Pierce Street, Suite 386
Littleton, Colorado 80128

NON-RETAINED EXPERTS

**Trooper Scott Neilson
Trooper Adams
Wyoming Highway Patrol
5300 Bishop Boulevard
Cheyenne, Wyoming 82009
Tel: (307) 777-4301**

Law enforcement officers, including but not limited to, Trooper Neilson and Trooper Adams, who investigated the crash site on June 28, 2017, are fact and expert witnesses who may offer opinions within their area of expertise. Trooper Neilson and Trooper Adams may be called to testify at the trial of this case and testify to the facts and opinions contained in any reports, affidavits, notes, photographs, and other documents which have been produced in this case. Defendants anticipate Troopers Neilson and Adams will testify in accordance with their depositions, if taken in this matter.

DATED this 18th day of November, 2019.

**WALLER'S TRUCKING COMPANY, INC.
and JASON R. BUCK, Individually,
Defendants,**

BY:

/s/ Stephenson D Emery
STEPHENSON D EMERY WSB #5-2321
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 18th day of November, 2019 as follows:

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☐ Overnight Delivery
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/s/ Stephenson D Emery
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